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U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
MAY - 3 2022  
SEAN F. McAVOY, CLERK  
SPOKANE, WASHINGTON DEPUTY

7                    UNITED STATES DISTRICT COURT  
8                    FOR THE EASTERN DISTRICT OF WASHINGTON

9                    UNITED STATES OF AMERICA,

10                  2:21-CR-124-TOR

11                  Plaintiff,

SUPERSEDING INDICTMENT

12                  v.

13                  Vio.: 18 U.S.C. §§ 113(a)(3), 1153  
14                  Assault with a Dangerous  
15                  Weapon in Indian Country  
16                  (Count 1)

17                  18 U.S.C. §§ 113(a)(6), 1153  
18                  Assault Resulting in Serious  
19                  Bodily Injury in Indian  
20                  Country  
21                  (Count 2)

22                  18 U.S.C. § 1951  
23                  Robbery Affecting Commerce  
24                  (Count 3)

25                  The Grand Jury charges:  
26                  COUNT 1  
27                  18 U.S.C. § 981  
28                  28 U.S.C. § 2461  
                        Forfeiture Allegations

On or about August 19, 2021, in the Eastern District of Washington, within  
the external boundaries of the Colville Indian Reservation, in Indian country, the

1 Defendant, DYLEN JOSEPH SWAN, an Indian, did intentionally assault M.C.  
2 with a dangerous weapon, to wit: a firearm, with intent to do bodily harm, all in  
3 violation of 18 U.S.C. §§ 113(a)(3), 1153.

4 COUNT 2

5 On or about August 19, 2021, in the Eastern District of Washington, within  
6 the exterior boundaries of the Colville Indian Reservation, in Indian country, the  
7 Defendant, DYLEN JOSEPH SWAN, an Indian, did intentionally assault M.C.,  
8 resulting in serious bodily injury to M.C., all in violation of 18 U.S.C.  
9 §§ 113(a)(6), 1153.

10 COUNT 3

11 On or about August 20, 2021, in the Eastern District of Washington, the  
12 Defendant, DYLEN JOSEPH SWAN, did unlawfully obstruct, delay and affect  
13 commerce, as that term is defined in 18 U.S.C. § 1951, and the movement of  
14 articles and commodities in such commerce, by robbery, as that term is defined in  
15 18 U.S.C. § 1951, in that the Defendant DYLEN JOSEPH SWAN knowingly and  
16 unlawfully did take and obtain personal property consisting of various grocery  
17 items belonging to Rosauers Supermarket, located at 1803 W. 3rd Avenue,  
18 Spokane, Washington, from the presence of an employee against his will by means  
19 of actual and threatened force, violence, and fear of injury, immediate and future,  
20 to his person, while the employee was engaged in commercial activities as an  
21 employee of Rosauers Supermarket, a business that was engaged in and that affects  
22 interstate and foreign commerce, all in violation of 18 U.S.C. § 1951.

23 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

24 The allegations contained in this Indictment are hereby realleged and  
25 incorporated by reference for the purpose of alleging forfeitures.

26 Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), upon  
27 conviction of a violation of 18 U.S.C. § 1951, as set forth in Count 3 of this

1 Indictment, the Defendant, DYLEN JOSEPH SWAN, shall forfeit to the United  
2 States of America, any property, real or personal, which constitutes or is derived  
3 from proceeds traceable to the offense.

4 If any of the property described above, as a result of any act or omission of  
5 the Defendant:

6 a. cannot be located upon the exercise of due diligence;  
7 b. has been transferred or sold to, or deposited with, a third party;  
8 c. has been placed beyond the jurisdiction of the court;  
9 d. has been substantially diminished in value; or  
10 e. has been commingled with other property which cannot be divided  
11 without difficulty,

12 the United States of America shall be entitled to forfeiture of substitute  
13 property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

14 DATED this 3 day of May 2022.

15 A TRUE BILL

16  
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18  
19  
20 Vanessa Waldref  
21 United States Attorney

22  
23 R. R. Barker  
24 Richard R. Barker  
25 Assistant United States Attorney